I	N THE UNITED ST	ATES DISTRIC	CT COURT FOR	Ei
THE WESTERN DISTRICT OF OKLAHOMA				
GEORGE HELT,	Plaintiff,))))	No. CIV-05-684	SEP 1 4 2005 U.S. DIST. COURT, WESTERN DIST. OF OKUA. DEPUTY DEPUTY
NICOIS SMITH et al.,)		· •
	Defendants.)		
		ORDER		

Plaintiff George Helt, proceeding pro, brought this action seeking relief in part under title 42, section 1983 of the United States Code. Named as defendants are Nicois Smith, identified as a cell mate, and Sgt. Yingling, identified as a jail detention officer at the Oklahoma City Jail.

On June 16, 2005, Helt filed a Motion for Leave to Proceed in Forma Pauperis. On June 20, 2005, United States Magistrate Judge Valerie K. Couch, to whom the matter had been referred, advised Helt that he had failed to submit certain financial information and/or the signature of the authorized officer of the penal facility in which he was detained as well as a certified copy of his institutional account statement for the six-month period immediately preceding the filing of his complaint. Magistrate Judge Couch further advised Helt that if he failed to cure these deficiencies by July 8, 2005, she would recommend dismissal of the action without prejudice.

On June 20, 2005, Helt filed a second Motion for Leave to Proceed in Forma Pauperis. This motion contained the identical deficiencies as the previously filed motion.

On July 13, 2005, Magistrate Judge Couch not only reminded Helt that he had failed to comply with her Order of June 16, 2005, but also sua sponte granted Helt additional time to submit the missing information and signature. Helt was again advised that he failure to act could result in dismissal of the lawsuit.

The docket reflects no further action by Helt, and on August 19, 2005, Magistrate Judge Couch issued a Report and Recommendation and recommended that the Court dismiss this matter due to Helt's failure to comply with her previous Orders. Helt was advised of his right to object to the Report and Recommendation, and in response, he submitted a letter to the Clerk of the Court, in which he reported that he had sent Magistrate Judge Couch's Orders to Bert Richard, an attorney who represents him in a pending state court criminal proceeding. State v. Helt, No. CF-2004-660. See, e.g., State v. Helt, No. CF-2003-4647.

Upon de novo review of the record, the Court finds Helt has had ample time to comply with Magistrate Judge Couch's Orders and to cure the deficiencies she noted. The Court further finds Helt was sufficiently cautioned about the consequences of his failure to act in a timely manner.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on August 19, 2005; and
- (2) DISMISSES without prejudice the complaint filed in this matter on June 16, 2005.

ENTERED this _______ day of September, 2005.

ÆE B. WEST

UNITED STATES DISTRICT JUDGE